

CITY OF LA MESA

(This measure will appear on the ballot in the following form.)

MEASURE U

Shall the Ordinance amending the La Mesa Municipal Code to authorize and regulate medical marijuana dispensaries, and the cultivating and manufacturing of medical marijuana, in the City of La Mesa, be adopted?

This measure requires approval by a simple majority (over 50%) of the voters voting on the measure. Full text of this measure follows the arguments and rebuttals.

CITY ATTORNEY IMPARTIAL ANALYSIS

The La Mesa Municipal Code (Municipal Code) presently prohibits medical marijuana dispensaries (dispensaries), and the cultivating and manufacturing of medical marijuana in La Mesa. This measure is citizen-sponsored and would amend the Municipal Code to repeal that prohibition and permit, upon the issuance of a conditional use permit (CUP), dispensaries, and the cultivating and manufacturing of medical marijuana, in specified zones subject to certain conditions and restrictions.

Regarding dispensaries, this measure would permit dispensaries in La Mesa upon the issuance of a CUP in General Commercial (C), Light Industrial and Commercial Services (CM), and Industrial Services and Manufacturing (M) zones. This measure requires that dispensaries maintain a minimum 1,000 feet separation from licensed childcare centers, playgrounds, minor-oriented facilities, other dispensaries and schools. Among other things, this measure requires the following for dispensaries: security measures (e.g., cameras, alarms and guards), restrictions on hours of operation (7:00 a.m. to 9:00 p.m., seven days a week), provisions for revocation, and compliance with other City requirements (which shall be in compliance with State law).

Regarding cultivation, this measure would specifically prohibit commercial cultivation sites in residential zones. However, such sites would be permitted in Industrial Service and Manufacturing (M) zones upon the issuance of a CUP. Among other things, this measure requires the following for commercial cultivation sites: plants may only be cultivated in response to a pre-existing supply or purchase agreement with a licensed dispensary or distributor, security measures (e.g., cameras, alarms and guards), no adverse impacts to the environment, no public access or sales, background checks (of employees) and no employment of felons, provisions for revocation, and compliance with other City requirements (which shall be in compliance with State law).

Regarding manufacturing, this measure would specifically prohibit manufacturing sites in residential zones. However, such sites would be permitted in Industrial Service and Manufacturing (M) zones upon the issuance of a CUP. Among other things, this measure requires the following for manufacturing sites: no extraction of cannabis concentrates with butane or other flammable gases, compliance with medical marijuana processing rules and requirements promulgated by the California Department of Public Health, security measures (e.g., cameras, alarms and guards), no public access or sales, background checks (of employees) and no employment of felons, provisions for revocation, and compliance with other City requirements (which shall be in compliance with State law).

CITY ATTORNEY IMPARTIAL ANALYSIS (CONTINUED)

This measure also provides that a qualified patient or a personal caregiver may cultivate up to eight marijuana plants for personal use; provided, however, that personal use cultivation must comply with state and local laws.

Finally, this measure states that it would take effect and be in force on the thirtieth day from and after its final passage.

ARGUMENT IN FAVOR OF MEASURE U

MEASURE U will provide regulation, oversight and transparency of medical marijuana organization in the City of La Mesa by creating a conditional use permit process and restricted zoning for medical marijuana businesses while ensuring full compliance with California State law.

In 1996, the majority of voters in California and in the City of La Mesa voted for the Compassionate Use Act, which allowed patient access to medical marijuana. Twenty years later, we still lack regulated medical marijuana access in La Mesa.

Research from UC San Diego has shown medical marijuana to be an effective treatment for the effects of cancer radiation therapy, debilitating arthritis, multiple sclerosis, and other pain conditions affecting the large senior population in our City. Today, La Mesa patients are forced to use less effective and more costly pharmaceuticals to manage their pain or to turn to black market dealers for their medicine.

MEASURE U will allow the City of La Mesa to provide patient access, while ensuring medical marijuana organizations comply with state regulations, and local zoning and public safety regulations.

MEASURE U ensures the safety of patients and the community by including security requirements including alarm systems, security cameras, lighting standards, and restricting hours of operation.

MEASURE U ensure that medical marijuana dispensaries are located in appropriate areas. It prohibits medical marijuana dispensaries in residential zones and areas where children congregate.

MEASURE U authorizes the city to set fees to ensure that the safe access does not become a financial burden on the city.

Join us in supporting community and patient safety in La Mesa! Vote "Yes" on MEASURE U.

PAVEL RATNOVSKIY, MSW
Proponent of Measure U in La Mesa

JUDGE JAMES P. GRAY
Superior Court Judge (Retired)

ADAM D. RICHARDSON, Ph.D
Cancer Research Scientist

MICHAEL E. CINDRICH
Former Prosecutor

TOM HORVATH, Ph.D.
Addiction Treatment Expert,
Practical Recovery

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE U

Measure U promises regulation, oversight, and transparency but offers NONE!

Lacks transparency: Measure U implies that La Mesa is not compliant with the state's Medical Marijuana Regulation and Safety Act. However, **state law defers to local regulations** which La Mesa has had in place since 2011.

Lacks regulation: Voters beware – the difference between “residential zone” (in Measure U) and “**residential use**” (not in Measure U) is significant! Residential use means where you live! Is this what you want next door to your home?

Lacks transparency: Measure U proponents insist that people in La Mesa lack access to marijuana. Marijuana is already easily available; it's cultivated, processed, made into candy, and delivered to the door. Marijuana is advertised in the Reader and on the web. And it falls easily into the hands of kids!

Lacks oversight: Measure U actually prohibits meaningful oversight by ensuring that City and Police Department **inspections are only allowed with prior notice.**

Lacks public safety protections: Measure U requires only **one security guard inside during business hours**, not outside protecting the community or customers outside going to or from with marijuana and cash.

Lacks transparency, regulation, and oversight: The City cannot tax marijuana for the public safety and health costs known to be associated with marijuana dispensaries.

Lacks transparency: Measure U allows **commercial marijuana retail stores, nursery-style marijuana growing grounds, and marijuana-based food and candy production in La Mesa.**

Protect our community, protect our economy, and protect our youth by voting **NO on Measure U!**

GUY MCWHIRTER
La Mesa City Council

ART MADRID
Former La Mesa Mayor

GENE CARPENTER
Board Member, La Mesa Conversations

MARK MATTHEWS
Business Owner

LISA BRIDGES
La Mesa Resident

ARGUMENT AGAINST MEASURE U

Vote NO on Measure U to protect La Mesa's economy and public safety.

Just two years ago, La Mesa voters soundly defeated a ballot measure seeking to overturn the City's existing ordinance. In January, City Council included marijuana cultivation and delivery services in La Mesa's ordinance.

Yet, here we are again with the special interest marijuana lobby imposing on La Mesa's limited budget for another vote!

California's laws protect cities, like La Mesa, using their land-use rules to keep undesirable marijuana businesses out. Courts have upheld city's rights to make zoning decisions for public safety, economic development, and housing.

Marijuana storefronts hurt neighborhoods. The City of San Diego's experience is that census tracts with marijuana storefronts had twice as many property and violent crimes as census tracts without them. Nothing in Measure U provides enough revenue to support additional law enforcement costs.

Measure U goes far beyond simply proving safe access to sick people, it includes "nursery" style commercial cultivation, wholesale manufacturing, and mass production of edible cannabis products.

Measure U allows commercial cultivation supplying marijuana businesses throughout California.

Nothing in Measure U prevents existing illegal marijuana shops from getting a permit.

Nothing in Measure U prevents medical marijuana users from purchasing marijuana from multiple stores in a single day – or even from the same store multiple times in a day.

Measure U does not require a 1,000 foot buffer between residential property and marijuana dispensaries.

Marijuana is already too easily available in our community! We want attractive, vibrant businesses in La Mesa that bring well-paying jobs and contribute to a sustainable economy.

Put our city's precious resources to work fixing streets and parks, creating jobs, and making our city safe and healthy!

La Mesa, U deserve better! Please vote NO on Measure U.

JEFFREY A. GOETTLER
La Mesa Resident

DANIELLE WOMACK
Community Pastor Crosspointe Life

BETH THOMAS
School Administrator

MARK ARAPOSTATHIS
Mayor

MICHAEL A. EMERSON
Grossmont Healthcare District Director

REBUTTAL TO ARGUMENT AGAINST MEASURE U

Just because previous efforts to impose regulation of medical marijuana in La Mesa have not been successful does not mean that the voters of La Mesa do not have the right to ask for regulation at the ballot box.

Our current lack of regulation is not working. Illegal marijuana dispensaries continue to proliferate, and our city suffers the cost burden of the constant cycle of investigation and enforcement actions, while patients suffer without regulated access.

Over 3,000 La Mesa residents banded together to qualify this proposal for the ballot, because we believe in regulated, local access.

Currently, unlicensed marijuana dispensaries cost our city money, since the unlicensed operators do not pay fees to our city. Measure U would authorize our city to collect fee revenue from regulated dispensaries to pay for their regulation and oversight, and provide funds for enforcement action against unlicensed dispensary operators.

Measure U prohibits dispensaries in residential neighborhoods and the downtown commercial district. Medical marijuana product manufacturing would be restricted to only industrial zones.

Opponents of regulation are attempting to confuse voters by associating medical marijuana access with crime - they fail to distinguish between rogue dispensary operators, operating outside of the law, with regulated access with city and police oversight, cost recovery fees, required security measures, and city regulations.

Regulations works - Vote Yes on Measure U!

JUSTIN TURLEY
La Mesa Voter and
Organ Failure Patient V

PAVEL RATNOVSKIY, MSW
Proponent of Measure U in La Mesa

LEO LAWRENCE, J.D.
Former Sheriff's Deputy

JUDGE JAMES GRAY (Ret.)
Orange County Superior Court

MICHAEL E. CINDRICH
Former Prosecutor

FULL TEXT OF MEASURE U

MEDICAL MARIJUANA ACTIVITY ZONING ORDINANCE OF LA MESA

WHEREAS, in 1996 the voters of the State of California, including voters in the City of La Mesa passed Proposition 215, the Compassionate Use Act, that allows the use of marijuana for medical purposes when recommended by a physician and excludes from criminal prosecution the patient and the primary caregiver, as defined; and

WHEREAS, in 2003, the State of California enacted Senate Bill 420, the Medical Marijuana Program Act (MMPA), which established requirements for the issuance of voluntary identification cards; provided a defense to criminal charges related to the cultivation, possession, sale, or storage of medical marijuana; prohibited the distribution of marijuana for profit; exempted from prosecution qualified patients and designated primary caregivers who associate to collectively or cooperatively cultivate marijuana for medical purposes; required the Attorney General to issue guidelines for the security and non-diversion of medical marijuana; and allowed cities to adopt and enforce laws consistent with the MMPA; and

WHEREAS, in 2015, the State of California enacted Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, comprising the Medical Marijuana Regulation and Safety Act and establishing a comprehensive regulatory framework for the production, transportation, and sale of medical marijuana.

WHEREAS, under federal law, the possession, transfer, or sale of marijuana remains a criminal act; and

WHEREAS, all powers not delegated by the United States Constitution to the United States nor prohibited by it to the states are reserved to the states or the people, pursuant to the Tenth Amendment of the United States Constitution; and

WHEREAS, in the State of California, zoning is a local matter exercised by the cities pursuant to the police powers set forth in Article XI, Section 7 of the California Constitution; and

WHEREAS, the City Council now desires to exercise its police powers solely to provide for the zoning of Dispensaries in such a manner as to limit the impact on the City generally and residential neighborhoods in particular; NOW, THEREFORE,

BE IT ORDAINED, by a vote of the people of the City of La Mesa as follows:

Section 1. Definitions

“Premise” is defined to mean the legal parcel(s) of land and the improvements on it, including building(s), store(s), shop(s), apartment(s), or other designated structure.

“Dispensary” as defined by Section 19300.5 of the California Business and Professions Code.

“Path Of Travel” is defined to mean a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

“Cultivation” as defined by Section 19300.5 of the California Business and Professions Code.

“Cultivation Site” as defined by Section 19300.5 of the California Business and Professions Code.

FULL TEXT OF MEASURE U (CONTINUED)

“*Cultivator*” is the organization or entity holding the Conditional Use Permit for *cultivation* activity at a location authorized by the City.

“*Manufactured Cannabis*” as defined by Section 19300.5 of the California Business and Professions Code.

“*Cannabis Concentrate*” means *manufactured cannabis* that has undergone a process to concentrate the cannabinoid active ingredient.

“*Edible Cannabis Product*” as defined by Section 19300.5 of the California Business and Professions Code.

“*Manufacturer*” as defined by Section 19300.5 of the California Business and Professions Code.

Manufacturing Site as defined by Section 19300.5 of the California Business and Professions Code.

Distributor as defined by Section 19300.5 of the California Business and Professions Code.

Distribution Site means a location where medical cannabis obtained from a license *cultivator* or medical cannabis products from a licensed *manufacturer* is temporarily stored, prior to delivery to a licensed *dispensary* and as part of performing a *Distributor*’s duties under state law.

“*Plant Canopy*” is the amount of cannabis that can be grown which is the aggregate area of vegetative growth of live marijuana plants.

“*Minor-Oriented Facility*” means any after school program, teen center, club for boys and/or girls, children’s theater, or children’s museum, where the primary use is devoted to people under the age of 18.

Playground means any outdoor *premises* or grounds, owned or operated by the City, that contains any play or athletic equipment primarily used, or primarily intended to be used by, any person less than eighteen (18) years old.

“*Vending Machine*” means any electronic or mechanical device or appliance, the operation of which depends upon the insertion of money, whether in coin or paper currency, or other things representative of value, which dispenses or releases a product.

“*Small Specialty Indoor Cultivation*” is defined to mean cultivation in compliance with the regulations for a Cultivation License Type 1A (Specialty Indoor License), defined in California Business and Professions Code section 19332, subdivision (g)(2), and subject to all applicable sections of Senate Bill 643, Assembly Bill 266, and Assembly Bill 243.

“*Nursery Cultivation*” is defined to mean cultivation in compliance with the regulations for a State Cultivation License Type 4 (Nursery License), defined in California Business and Professions Code section 19332, subdivision (g)(10), and subject to all applicable sections of Senate Bill 643, Assembly Bill 266, and Assembly Bill 243.

FULL TEXT OF MEASURE U (CONTINUED)

Section 2. Dispensaries

Dispensaries shall be permitted with a Conditional Use Permit in General Commercial (C), Light Industrial and Commercial Services (CM) and Industrial Services and Manufacturing (M) zones subject to the following restrictions and regulations.

- a) *Dispensaries* shall maintain the following minimum separation between uses, as measured by *path of travel*.
 - 1) 1,000 feet from City designated licensed childcare centers, *playgrounds*, *minor-oriented facilities*, other *Dispensaries*, or schools. For purposes of this section, *school* means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- b) Consultations by medical professionals shall not be a permitted at a *dispensary*.
- c) Lighting shall be provided to illuminate the interior of the *dispensary*, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- d) Security shall be provided at the *dispensary* which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the *premises* during business hours.
- e) *Signs* shall be posted on the outside of the *dispensary* and shall only contain the name of the business, limited to two colors.
- f) The name and emergency contact phone number of an operator or manager shall be posted in a location from outside of the *dispensary* in character size at least two inches in height.
- g) The *dispensary* shall operate only between the hours of 7:00 a.m. and 9:00p.m., seven days a week.
- h) The use of *Vending Machine* which allow access to medical marijuana except by a responsible person, is prohibited. For purposes of this Section, a vending machine is any device which allows access to medical marijuana without a human intermediary.
- i) Applicants for Conditional Use Permit for cannabis manufacturing must provide written proof that the building owner and management condone cannabis manufacturing activity on the *premise*.
- j) A Conditional Use Permit for a *dispensary site* shall expire no later than five (5) years from the date of issuance.
- k) The City has may charge a reasonable set application fee for a Conditional Use Permit for a *dispensary site* and, as well as reasonable set annual fee for maintaining the *dispensary Site* Conditional Use Permit. Such fees shall be established by the City planning department.

FULL TEXT OF MEASURE U (CONTINUED)

- l) A Conditional Use Permit for a *dispensary site* may be revoked or suspended due to legitimate loitering complaints, noise complaints, upon City confirmation of the smell or loitering nuisance, or non-compliance with the Conditional Use Permit, or non-compliance with other applicable state or local regulation. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.
- m) The applicant must meet any additional standard criteria and fulfill any additional standard requirements typically associated with obtaining a Conditional Use Permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.
- n) Rules, regulations and local permitting requirements imposed on a Dispensary by the City shall conform to the State licensing requirements for a Dispensary, as set forth by the California Business and Professions Code, Division 8, Chapter 3.5.

Section 3. Commercial *Cultivation*

Commercial *Cultivation Sites* are prohibited in residential zones. *Cultivation Sites* shall be permitted in Industrial Service and Manufacturing (M) zones with a Conditional Use Permit subject to the following restrictions and regulations.

- a) All *cultivation* must occur on the interior of a building using exclusively artificial lighting.
- b) A Conditional Use Permit may be issued for *Small Specialty Indoor Cultivation* or *Nursery Cultivation*. All other commercial cultivation of medical marijuana is strictly prohibited. A Conditional Use Permit applicant must specify whether the applicant will be cultivating *Small Specialty Indoor Cultivation* or *Nursery Cultivation* on site. Only one cultivation type will be permitted per premise. Any cultivation must conform to the *plant canopy* and other limits set forth by the applicable California State License Category for the *cultivation site*.
- c) Plants may only be cultivated in response to a pre-existing supply or purchase agreement with a licensed *dispensary* or *distributor*. For each plant, the *cultivator* must be able to show an active purchase order requiring this plant from a licensed *dispensary* or *distributor*. The *dispensary* or *distributor* with which a *cultivator* has a supply or purchase agreement must be licensed by a municipal or county jurisdiction within the state of California.
- d) A unique identifier, such as, but not limited to, a zip tie or a bar code, shall be attached at the base of each plant or tray, batch, or other unit containing plants measuring less than 12 inches in height. A unique identifier, such as, but not limited to, a zip tie, shall be issued for each medical marijuana plant greater than 12 inches in height. This unique identifier shall identify the *dispensary* or *distributor* for which the plant is being grown. Records of plants, and their associated *dispensary* or *distributor* must be kept by the *cultivator*, and must be made available to City auditors upon request.
- e) Security shall be provided at the commercial *cultivation site* which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the *premise*.

FULL TEXT OF MEASURE U (CONTINUED)

- f) From a public right of way, there shall be no visual evidence of *cultivation* either within or outside the facility. Adverse impacts of *cultivation* shall be mitigated so that a “public nuisance” as defined by California Civil Code section 3480 does not exist, including but not limited to adverse impacts of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or the use or storage of hazardous materials, processes, products or wastes. If an adverse impact occurs, a licensee shall have a reasonable opportunity and time to cure the complaint, adverse impact, or possible non-compliance as defined in this section before being subject to revocation, suspension, or other discipline.
- g) No external signage shall be allowed, other than the address of the premise.
- h) No public access or sales shall be allowed on the *premise*. Only directors, officers, managers, employees, contractors of the cultivator shall be present on the premises. Transporters and representatives of dispensaries, distributors, manufacturers, testing labs, and other licensees under the Medical Marijuana Regulation and Safety Act shall be allowed on the premise with prior notice to and permission by the cultivator to conduct business as required and appropriate.
- i) All employees of the organization to which the Conditional Use Permit is issued shall be subject to a background check. Any person who has been convicted of a felony may not be employed by *commercial cultivator* or operate, manage, control, or own a *commercial cultivator* entity.
- j) The City encourages *cultivators* to operate in an environmentally sustainable manner. Preference will be given to applicant for Conditional Use Permits who show their commitment to environmentally sustainable practices including LEED certification and adoption of EPA WaterSense identified water saving technologies.
- k) To discourage theft and vandalism, the City will not publicly publish the exact addresses of *commercial cultivation sites*. Other aggregate information regarding conditional use permits for *cultivation* including, but not limited to, number of permits issued, districts where said permits were issued, and the organizations to whom such permits were issued shall be available upon request.
- l) Applicants for Conditional Use Permit for *commercial cultivation* must provide written proof that the building owner and management condone *cultivation* activity on the *premise*.
- m) A Conditional Use Permit for *commercial cultivation site* may be revoked or suspended due to a failure to enact a correction ordered by the city in response to a legitimate smell complaints, noise complaints, upon City confirmation of the smell or noise nuisance. A Conditional Use Permit may also be revoked or suspended for non-compliance with the regulations set forth in this ordinance or failure to comply with state regulations. The holder of a Conditional Use Permit shall have a reasonable opportunity and time to cure the complaint, nuisance, or possible non-compliance as defined in this section before being subject to revocation or suspension.
- n) The City has may establish a set a reasonable application fee for a Conditional Use Permit for a *cultivation site* and, as well as set a reasonable annual fee for maintaining the *cultivation site* Conditional Use Permit. Such fees shall be established by the City planning department.

FULL TEXT OF MEASURE U (CONTINUED)

- o) The applicant must meet any additional standard criteria and fulfill any additional standard requirements typically associated with obtaining a Conditional Use Permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.
- p) Rules, regulations and local permitting requirements imposed on a *Cultivation Site* by the City shall conform to the State licensing requirements for a *Cultivation Site*, as set forth by the California Business and Professions Code, Division 8, Chapter 3.5.

Section 4. *Manufacturing*

Manufacturing Sites are prohibited in residential zones. *Manufacturing Sites* shall be permitted in Industrial Service and Manufacturing (M) zones with a Conditional Use Permit subject to the following restrictions and regulations.

- a) Extraction of *cannabis concentrates* with butane or other flammable gases is prohibited.
- b) All manufacturing must conform to the medical marijuana processing rules and requirements, including those for testing, labeling and quality assurance, set forth by the California Department of Public Health.
- c) Security shall be provided at the *manufacturing site* which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the *premise*.
- d) No external signage shall be allowed, other than the address of the premise.
- e) No public access or sales shall be allowed on the premise. Only directors, officers, managers, employees, contractors of the manufacturer shall be present on the *premises*. Transporters and representatives of dispensaries, distributors, cultivators, testing labs, and other licensees under the Medical Marijuana Regulation and Safety Act shall be allowed on the *premise* with prior notice to and permission by the manufacturer to conduct business as required and appropriate.
- f) All employees of the organization to which the Conditional Use Permit is issued shall be subject to a background check. Any person who has been convicted of a felony may not be employed by *manufacturer*.
- g) Any manufacturing site that produces *edible cannabis product* must have at least one owner, director, officer, manager, or employee that has passed a state-approved food safety certification exam.
- h) Any manufacturing site that produces *edible cannabis products* that require baking or refrigeration must be also be a California-licensed commercial kitchen or in a cottage kitchen with a class B permit.
- i) Applicants for Conditional Use Permit for cannabis manufacturing must provide written proof that the building owner and management condone cannabis manufacturing activity on the *premise*.

FULL TEXT OF MEASURE U (CONTINUED)

- j) The City has may establish a set reasonable application fee for a Conditional Use Permit for a *manufacturing site* and, as well as set reasonable annual fee for maintaining the *manufacturing site* Conditional Use Permit. Such fees shall be established by the City planning department.
- k) A Conditional Use Permit for *manufacturing site* may be revoked or suspended due to failure to correct a correction ordered by the city in response to a legitimate smell complaints, noise complaints, upon City confirmation of the smell or noise nuisance. A Conditional Use Permit may also be revoked or suspended for non-compliance with the regulations set forth in this ordinance or failure to comply with state regulations. The holder of a Conditional Use Permit shall have a reasonable opportunity and time to cure the complaint, nuisance, or possible non-compliance as defined in this section before being subject to revocation or suspension.
- l) The applicant must meet any additional standard criteria and fulfill any additional standard requirements typically associated with obtaining a Conditional Use Permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.
- m) Rules, regulations and local permitting requirements imposed on a *Manufacturing Site* by the City shall conform to the State licensing requirements for a *Manufacturing Site*, as set forth by the California Business and Professions Code, Division 8, Chapter 3.5.

Section 6. Personal Use *Cultivation*

A qualified patient or a personal caregiver may cultivate up to eight marijuana plants for personal use. Personal use cultivation must conform to state law and local codes, including, but not limited to, nuisance codes, building codes, electrical codes and waste disposal codes. Personal use cultivation may also be further restricted, or disallowed, by a building's owner, management or governing housing association.

Section 7. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 8. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 9. If any section, sub-section, sentence, clause, phrase, part, or other portion of this measure, or application thereof, is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the remaining portions or provisions of this measure. It is hereby declared by the people voting for this measure that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts or portions, or the application thereof, are declared invalid or unconstitutional.

FULL TEXT OF MEASURE U (CONTINUED)

Section 10 This measure is inconsistent with and intended as an alternative to any other initiative or measure placed on the same ballot that addresses the same subject matter as this measure. In the event that this measure and another initiative or measure addressing the same subject matter as this measure, or any part thereof, is approved by a majority of voters as the same election, and this measure receives a greater number of affirmative votes than any other such initiative or measure, then this measure shall prevail and control in its entirety and said other initiative or measure shall be rendered void and without any legal effect.

Section 11. The undersigned voters of the City do hereby request that this ordinance be put to a vote of the people in a special election.